IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

MACA.No. 1788 of 2007

OPMV.51/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
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APPELLANT/RESPONDENT

THIRUVALLUVAR TRANSPORT CORPORATION,
STATE EXPRESS TRANSPORT CORPORATION
TAMILNADU LTD, CHENNAI-2, REPRESENTED BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS: PETITIONER

K.V.MANOJ,
SREENILAYAM, PALA,
KOTTAYAM.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1788 OF 2007

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Dated this the 17th day of October, 2007

JUDGMENT

Radhakrishnan, J

The appellant was the respondent in the claim petition O.P. (MV)No.51/2003 of MACT, Pala. Tribunal found that the driver of the appellant was negligent and awarded Rs.1,42,330/- with 6% interest as compensation to the petitioner/respondent. Learned counsel for the appellant submitted that the amount awarded is exorbitant.

2. The Tribunal, in our view, has rightly found that the accident had occurred due to the negligence of the driver of the bus. PW3 is the owner of the car as well as the claimant. RW1, the driver of the bus was also examined. RW1 deposed that he was driving the bus very carefully and on seeing the car coming from the opposite direction in a negligent manner he stopped the bus on the extreme left side of the road and then the car came and hit the bus. However, Ext.B1 the copy of the AMVI report would indicate that damage sustained to the bus was not only on the left extreme corner but also on the radiator portion which

situate on the front middle portion of the bus. Taking into consideration of all those aspects, Tribunal found that RW1 was negligent. In paragraph 13 of the order, Tribunal has discussed about compensation amount. Tribunal found that the petitioner was aged 29 at the time of the accident and the proper multiplier is 18. It is submitted that he had sustained 14% disability; had undergone two major operations and he was hospitalised for several occasions. Tribunal fixed 1,42,330/- as the total compensation.

Considering the entire facts and circumstances of the case, even though there is some overlapping here and there on the various heads the amount awarded by the Tribunal is just and proper. We are not inclined to interfere with the award passed by the Tribunal. This appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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